



PERSONAL SERVICE CONTRACT REVIEW BOARD
301 North Lamar Street, Suite 100, Jackson, MS 39201-1495
Phone (601)359-6517 Ž Fax (601)359-2618

POLICY AND PROCEDURE MEMORANDUM

TO: Agency Directors, Personnel Officers, Purchasing Officers

FROM: John Mulholland, Acting Chairman
Personal Service Contract Review Board

DATE: Revised April 16, 2004

SUBJECT: PERSONAL AND PROFESSIONAL SERVICE CONTRACT PROCEDURES

Senate Bill 2958, enacted into law during the 1997 Legislative Session (Section 25-9-120 MS Code of 1972), established the Personal Service Contract Review Board (PSCRB). This memorandum provides the administrative procedures for submitting required documentation to implement contract requests for personal services. These provisions shall supersede all conflicting policies and procedures for administration of contractual services published in the Mississippi State Personnel Board Policy and Procedures Manual, and will be an attachment to the Mississippi Personal Service Contract Procurement Regulations.

The PSCRB Regulations shall be enforced as of April 1, 1998.

For the purposes of these procedures, a Service Contract shall be defined as an agreement for the procurement of services between an agency under the purview of the State Personnel Board and a provider of the services.

ADMINISTRATIVE PROCEDURES

1. Contracts exempt from approval by the PSCRB include:
 - X Personal service contracts not exceeding \$100,000 (This is a cumulative amount for all fiscal years covered by the contract.)
 - X Non-State Service agencies= contracts (except those that are between state service and non-state service agencies)
 - X Contracts between agencies under the purview of the State Personnel Board (see Appendix A of Personal Service Contract Procurement Regulations)
 - X Computer or information technology-related services governed by the Mississippi Department of Information Technology Services
 - X Personal service contracts entered into by the Mississippi Department of Transportation

- § Contracts exempt from the Personal Service Contract Procurement Regulations by legislative statutory authority
- § Repairs which must comply with Section 31-7-13 of Mississippi Code Annotated
- § The following service types are also exempt:
 - ATTORNEY
 - ACCOUNTANT
 - AUDITOR
 - PHYSICIAN**
 - DENTIST
 - ARCHITECT
 - ENGINEER
 - VETERINARIAN
 - UTILITY RATE EXPERT
 - ACTUARY

**The exempt physician service type includes psychiatrists, but does not include psychologists.

LEGAL SERVICES CONTRACTS ARE STILL UNDER THE PURVIEW OF THE STATE PERSONNEL BOARD. (SEE SPB POLICY MEMORANDUM NO. 3.)

An Independent Contractor hired strictly as an expert witness in preparation for litigation shall be treated as a legal service contract and should proceed through proper approval procedures by the Attorney General's Office and the State Personnel Board.

2. A completed ARequest for Contract Personnel Service Approval@ submitted to the appropriate regulatory board (if applicable) and the PSCRB (if applicable) is required PRIOR TO AUTHORIZATION TO ENTER INTO, RENEW, OR MODIFY CONTRACTS FOR PERSONAL AND PROFESSIONAL SERVICES.

- a. A new request shall be defined as the initial execution of a contract for the performance of specified contractual services at either the start of the fiscal year (July 1) or during the fiscal year or the re-execution of a contract for the performance of specified contractual services within the same fiscal year.

Requests shall be submitted to the PSCRB at least fifteen (15) working days prior to the board meeting date that precedes the proposed effective date of the contract to provide sufficient time for board action. The requirement for the performance of verifiable emergency services shall be considered the only exception to the prior approval clause.

CAVEAT: Agency authorization for a contractor to perform contractual services other than verifiable emergency services without the prior approval of the PSCRB may result in individual liability for payment of the contract services performed.

- b. Requests to renew contracts for personal services for the next fiscal year which have been previously approved by the PSCRB for implementation through the end of the current Fiscal Year are to be resubmitted to the appropriate regulatory board (if applicable) prior to submission to the PSCRB. The renewal request and a copy of supporting documentation shall be submitted to PSCRB by May 15.

Spending authority for contract renewal years will only be approved by PSCRB at the same time approval for contract renewal documentation is requested.

- c. Requests for modifications of an existing contract shall be submitted to the PSCRB at least **fifteen (15) working days prior** to the Board meeting date that precedes the contract expiration date. Modifications shall not grant extra compensation, fee, or allowance to any contractor after service is rendered or contract is made, unless contemplated within the contract itself, or the scope of service is increased. The extension of a contract is considered a modification wherein the specified contractual services have not been completed by the end date stipulated in the original terms of the contract. **Note: Modifications cannot be made to an expired contract.**
 - d. All submitted supporting documentation will be kept on file in the Personal Service Contract Review Board office. No documentation is returned to the submitting agency after action has been taken by the Personal Service Contract Review Board; however, approval will be noted in SPAHRS.
- 3. Agencies shall submit, with their contract approval requests, documentation signed by their executive director, agency head, or their designee certifying that adequate time to protest has been given to all prospective contractors; that no protests or potential protests are known to the agency or any agency employees; or if a protest is known, what the subject matter of that protest is, whether the protest has been resolved, and the agency's determination concerning this protest.
 - 4. Any agency with late submissions wishing to be considered for an upcoming board meeting shall submit a written request from their executive director, agency head, or their designee detailing circumstances for the exception to the fifteen (15) day submission deadline. Such request shall also contain protest information as required in paragraph three (3) above. **NOTE: This written request does not guarantee placement upon the agenda.**
 - 5. Any agency wishing to transfer contract spending authority from one fiscal year to the next must do so prior to the end of the fiscal year (June 30).

6. The total amount of the contract shall be used to determine the appropriate procedures for procurement of services.

Service contracts \$50,000 or less may be procured from any source following agency rules and regulations.

Service Contracts greater than \$50,000 and not exceeding \$100,000 may be procured from the lowest acceptable bidder after obtaining three written quotes in conformity with the Asmall purchases@ provisions of the regulations.

Service Contracts over \$100,000 may be procured from the lowest bidder or the best proposal after advertising and soliciting for bids or proposals in accordance with PSCRB regulations, and being approved by the PSCRB.

For procedures regarding sole-source procurement refer to Regulation 3-205.

For procedures regarding emergency procurement refer to Regulation 3-206.

7. The PSCRB will hold a regularly scheduled meeting the second Thursday of every month, unless a special meeting is called. All requests over \$100,000 must be submitted for approval at least fifteen (15) working days prior to the scheduled board meeting date. Notice of meetings may be found at the State Personnel Board Receptionist desk; the State Personnel Board website, www.spb.state.ms.us; or by calling the PSCRB office.

SPAHRs PROCEDURES

1. Agencies will enter complete contract information into the SPAHRs system and submit it electronically to the PSCRB for review.
2. The ARequests for Contract Personnel Services Approval@ forms must be completed in full, following all applicable requirements by Internal Revenue Code to determine Contract Type (see Appendix C of the Regulations); all DFA requirements for vendor codes, social security numbers and commodity codes (for SAAS online agencies only); and all PSCRB requirements detailed in the Regulations. Only one Contract Service Type can be entered on each Request.
3. Requests to modify the terms of previously approved contracts for personal or professional services are to be resubmitted to the appropriate regulatory board (if applicable) prior to submission to the PSCRB specifying the type of modification requested and completing the AJustification of Modification Request@ section of the previously approved contract in SPAHRs prior to the end date of the contract. An amendment modifying the original agreement must also be submitted for approval.

4. Requests submitted which are incomplete, or submitted on unauthorized forms shall be returned without action.
5. The agency shall notify the PSCRB upon termination of previously approved contracts for personal services or the completion of the performance of services prior to the original terms of the contract (expiration date). Termination of contracts prior to expiration date shall be entered into the SPAHRS system as a modification with termination date entered. **NOTE: Options to renew which are not exercised shall be treated as a termination.**
6. Agencies will print out one (1) copy of the ARequests for Contract Personnel Services Approval@ from the SPAHRS system and submit it along with a copy of the contractual agreement, any addendum or attachments and other documentation relative to bids or proposals at the same time the request is transmitted for approval online through SPAHRS. (These documents will remain on file at the PSCRB office.)
7. Agencies requesting modifications shall submit one copy of relevant screens including the Justification of Modification, along with the modified contractual agreement.
8. Agencies which ARE NOT also online SAAS users must forward to DFA a hard copy of a screen-print which indicates that the PSCRB has approved the contract.
9. SPAHRS agencies, which ARE also online SAAS users, must submit necessary Vendor Codes with vendor number/social security number in SPAHRS.

The Personal Service Contract Procurement Regulations, including the Summary of Contracting Procedures, contains detailed information for agencies to follow in contracting for services. Should you require assistance or have any questions concerning this Memorandum or the regulations, please contact the Personal Service Contract Review Board at 601-359-6517.